

REMARKS/ARGUMENTS**1.) Claim Amendments**

The Applicant has amended claim 5. Accordingly, claims 1-20 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Examiner Objections

The Examiner objected to claim 5 due to informalities. The Applicant appreciates the Examiner's review of the form of the claims and has amended the claim to correct the ambiguity. The Examiner's consideration of the amended claim is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 102(b)

The Examiner rejected claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by Reiman, et al. (US 5,706,286). The Applicant respectfully traverses this rejection.

Reiman teaches the case where the authorization code used by the caller is from a "foreign" service provider, in order to prevent fraud, and inasmuch as the local service provider cannot determine whether the account number of the foreign card is valid, it needs to pass off the validation of the card by a "hand-over" to the service provider that issued the card. For the hand-over, instead of forwarding the complete call to the service provider that issued the foreign card which indubitably will require a substantial amount of the capacity of the network, the service switching point (SSP) 12 would only provide a query, in this instance a TCAP query, to the SS7 network 10. A conventional global title translation then takes place within the public telecommunications network 10 to determine where that query should be forwarded. In other words, if it is determined that the query should be sent to a particular ISN node 14, it is forwarded thereto.

Upon receipt by one of the gateways 18, the query is forwarded to the appropriate file server 22 which, upon retrieving the appropriate data from its appropriate database 24, makes a determination on whether the authorization code or

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account number is valid. If it is valid, a response is sent by file server 22 to gateway 18 which in turn forwards the response to the appropriate signaling transfer point (STP) 11 of network 10. From there the response is forwarded to SSP 12 of ONC 6. And authorization is then forwarded by ONC 6 to switch network 4 to complete the call from location 2 to its destination. (Reiman, col. 6, lines 55 to col. 7, line 14)

In contrast, claim 1 states:

1. A communication apparatus running a protocol stack implementation for interworking between a signaling source node and a signaling target node, comprising:

a first protocol implementation unit adapted to run a signaling control layer of the protocol stack on top of a packet transfer network for exchange of signaling data via at least one signaling association;

a second protocol implementation unit adapted to run a user adaptation layer of the protocol stack on top of said signaling control layer for support of signaling connection control services used by the signaling source node; wherein

a name mapping unit is adapted to receive a signaling target node name from said signaling source node and to map the signaling target node name into a peer signaling association.

The Applicant has searched Reiman and could find no mention of a protocol stack. Furthermore, there is no hint in Reiman of a signaling control layer (such as SS7) running "on top of a packet transfer network" (such as an NIDS network). The components described in Reiman simply "convert a first signaling protocol, for example an SS7 protocol, into a second protocol, for example a network information distributed service (NIDS) sequenced packet protocol." (Reiman, abstract). This is completely different than running a control layer on top of another layer in a protocol stack.

On page 17 of the Specification, the Applicant defines the term "peer association" as follows:

In the following, a peer signaling association is referred to as a set of transport addresses pointing to a group of network destination communication/signaling endpoints registered under the same destination name used by the SCTP users.

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Because the Applicant is allowed to be his own lexicographer¹, it is respectfully submitted that the claim limitation "peer association" is not taught nor suggested by Reiman. Assuming, *arguendo*, that Reiman's file servers 22 and databases 24 are "destination endpoints," they would not be registered under the same destination name. Thus, Reiman does not teach the claimed element of mapping "the signaling target node name into a peer signaling association."

Additionally, Reiman does not discuss a user adaptation layer of the protocol stack. As indicated on page 2 of the present application, examples of a "user adaptation layer" may be a signaling connection control part SCCP user adaptation layer SUA and/or the MTP3 user adaptation layer M3UA. The SUA is a protocol for the transport of any SS7 SCCP user Signaling (e.g. TCAP, RANAP or RNSAP messages) over IP Between two signaling endpoints. The SUA protocol is used for the transport of SCCP-user messages between two endpoints contained within an IP network. Thus, as commonly known in the art and discussed on page 2 of the Specification, a "user adaptation layer" is a protocol used for the transport of signaling messages between two endpoints contained within an IP network. The Examiner cites NIDS control/communication/monitor process, LIDB process, database process) as "user adaptation layers." The Applicant respectfully disagrees with this interpretation. Nothing in Reiman indicates that the "NIDS" has a "user adaptation layer of the protocol stack." Furthermore, assuming *arguendo*, that Reiman's NIDS and LIDB are a "user adaptation layer of the protocol stack, there is nothing in Reiman to indicate that these run "on top of said signaling control layer" as required by claim 1.

As the examiner is aware, to sustain a 102 rejection, ALL elements of the claim must be taught by the cited art. As the Federal Circuit held:

Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art. . . . In addition, the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public. Akzo N.V. v. United States Int'l

¹ MPEP 2106.II.C - Office personnel must rely on the applicant's disclosure to properly determine the meaning of terms used in the claims. *Markman v. Westview Instruments*, 52 F.3d 967, 980, 34 USPQ2d 1321, 1330 (Fed. Cir.) (*en banc*), *aff'd*, U.S., 118 S. Ct. 1384 (1996). An applicant is entitled to be his or her own lexicographer, and in many instances will provide an explicit definition for certain terms used in the claims. Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings.").

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Trade Comm'n, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987) (Emphasis Added)

Thus, a 102 rejection is not appropriate in this situation because "each and every element" of claim 1 is not taught by Reiman. Assuming, for the sake of argument that all the elements are somehow implied, Reiman would still not be a proper reference for the missing elements because Reiman does not provide enough detail about the user adaptation layer to enable one skilled in the art to practice the claimed invention. Thus, the Applicant respectfully requests that the 102 rejection for claim 1 be withdrawn.

In addition to other claim elements, claims 5, 8, 9, 13, 16, 17, and 18 contain elements which are similar to claim 1. Thus, claims 5, 8, 9, 13 and 16 are patentable for the same reasons that claim 1 is patentable.

The dependent claims 2-4, 6-7, 10-12, 14-15, and 19-20 depend from the independent claims and recite further limitations in combination with the novel elements of the independent claims. Therefore, the allowance of claims 2-4, 6-7, 10-12, 14-15, and 19-20 is respectfully requested.

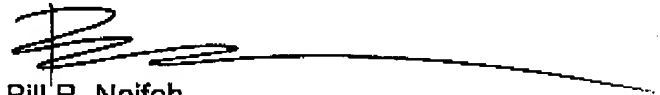
CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

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The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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Date: 6-29-04

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